

Summary of Proposed Changes to the Student Code

The proposed changes to the Code of Student Rights, Responsibilities and Conduct (“Student Code”) are necessary to align the Student Code with the Sexual Misconduct Policy that was approved by the University Faculty Council on February 24, 2015, and the Board of Trustees on March 1, 2015.

The changes can be seen in the following pages in a tracked changes format. Generally, changes to the Student Code include adding references to the Sexual Misconduct Policy where needed, deleting references to the previous sexual harassment policy, and aligning the appropriate definitions with the Sexual Misconduct Policy definitions.

Additionally, a University-Wide page was created in the procedures section. The procedures from the Sexual Misconduct Policy for complaints against students, as well as the sexual misconduct procedures for complaints against faculty and staff also appear on this page (see page 13). Information on advisors was moved to this page and the other items that were previously under procedures (Student Grievances, Academic and Personal Misconduct, and Notification of a Victim) were combined under a “Principles for Others Procedures” tab.

Finally, and separately, in Section E. Right to Freedom of Association, Expression, Advocacy and Publication (see page 6), student affairs staff asked for minor changes to reflect the registration process for student organizations. These revisions will also fit with the new university policy on student organizations which is currently in draft form.

The Code

Preamble Purpose of the Code

The purposes of Indiana University include the advancement of knowledge, the pursuit of truth, the development of students, and the promotion of the general well-being of society. As a community, we share a dedication to maintaining an environment that supports trust, respect, honesty, civility, free inquiry, creativity, and an open exchange of ideas.

Individual rights are best protected by a collective commitment to mutual respect. A student who accepts admission to Indiana University agrees to:

- be ethical in his or her participation in the academic community,
- take responsibility for what he or she says and does,
- behave in a manner that is respectful of the dignity of others, treating others with civility and understanding, and
- use university resources and facilities in appropriate ways consistent with their purpose and in accordance with applicable polices.

Every Indiana University student is responsible for reading and understanding this Statement, as well as other expectations identified by individual schools or organizations relevant to an academic major, professional field, or on-campus residence. This Code of Student Rights, Responsibilities, and Conduct is intended to identify the basic rights, responsibilities, and expectations of all students and student groups to serve as a guide for the overall student experience at Indiana University.

B. Right to Freedom from Discrimination

Students have the right to study, work, and interact in an environment that is free from discrimination in violation of law or university policy by any member of the university community. Students at Indiana University are expected to respect the rights and dignity of other students, faculty, and staff.

The university will not exclude any person from participation in its programs or activities on the basis of arbitrary considerations of such characteristics as age, color, disability, ethnicity, sex, gender, gender identity, marital status, national origin, race, religion, sexual orientation, or veteran status.

A student has the right to be free from such discrimination by other students that has the effect of interfering with the student's ability to participate in programs or activities of the university.

Students wishing more information regarding these statements should consult the following policies:

- [Non-Discrimination/Equal Opportunity/Affirmative Action](#)
- [Americans with Disabilities Act \(ADA\)](#)
- [Sexual Misconduct](#)

Indiana University administrators are responsible for publicizing and implementing the university's [Non-Discrimination/Equal Opportunity/Affirmative Action Policy and Sexual Misconduct Policy](#) ~~affirmative action policy~~ in their respective areas of jurisdiction. Students who believe that they are victims of discrimination may obtain information concerning the university's ~~affirmative action policy~~ [applicable policies](#) and complaint procedures from the campus affirmative action officer, [Title IX Coordinator](#), or the dean of students office.

C. Right to Freedom from Harassment

A student has the right to be free from sexual or discriminatory harassment a) in any building or at any location on any university property, or b) that occurs in a building or on property that is not university property if the harassment arises from university activities that are being conducted off the university campus or if the harassment ~~compromises~~undermines the security of the university community or the integrity of the educational process, or poses a serious threat.

~~Sexual harassment is unwelcome sexual advances, including requests for sexual favors and other unwelcome conduct of a sexual nature, when submission to such conduct is made, either explicitly or implicitly, a term or condition of a student's education, or submission to or rejection of such conduct by a student is used as the basis for academic conditions affecting the student; or the conduct has the effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, or offensive learning environment.~~

Sexual harassment is unwelcome conduct or behavior of a sexual nature. Sexual harassment includes sexual violence (see definition). Both violent and non-violent sexual harassment is prohibited. Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, written, electronic (e.g. by e-mail, text, social media, etc.), or physical conduct of a sexual nature. Sexual harassment occurs when:

1. submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo), or when
2. such conduct is sufficiently severe, pervasive or persistent to limit or deny a person's ability to participate in or benefit from the University's educational programs or affects employment, creating a hostile environment.

Discriminatory harassment is defined as conduct that targets an individual based upon age, color, religion, disability, race, ethnicity, national origin, sex, gender, gender identity, sexual orientation, marital status, or veteran's status and that adversely affects a term or condition of an individual's education, housing, or participation in a university activity; or has the purpose or effect of unreasonably creating an intimidating, hostile, or offensive environment for academic pursuits, housing, or participation in university activities.

The Indiana University Sexual Misconduct Policy, University Policy Against Sexual Harassment, as adopted by the Board of Trustees ~~June 15, 1998~~March 1, 2015, provides procedures for handling complaints concerning all forms of sexual misconduct including sexual harassment. Violations of discriminatory harassment policy are handled under existing procedures for handling complaints of discrimination.

Indiana University administrators are responsible for publicizing and implementing the university's Non-Discrimination/Equal Opportunity/Affirmative Action Policy and Sexual Misconduct Policy affirmative action and harassment policies in their respective areas of jurisdiction. Students who believe that they are victims of discrimination may obtain information concerning

the university's ~~affirmative action policy~~applicable policies and ~~complaint~~ procedures from the campus affirmative action officer, Title IX Coordinator, or the dean of students office.

E. Right to Freedom of Association, Expression, Advocacy, and Publication

Students are free to form, join, and participate in groups or organizations that promote student interests, including but not limited to groups or organizations that are organized for intellectual, religious, social, economic, political, recreational, or cultural purposes.

In accordance with the state and federal Constitution and university policy, the university recognizes the rights of all students to engage in discussion, to express thoughts and opinions, and to assemble, speak, write, publish or invite speakers on any subject without university interference or fear of university disciplinary action.

Students may engage in peaceful and orderly protests, demonstrations, and picketing that do not disrupt functions of the university, subject to appropriate regulation concerning time, place, and manner. If a student feels that this right has been violated, the student may file a request with the dean of students for an investigation and appropriate action.

Students who publish student publications under university auspices have the right to be free of university censorship. Student editors and managers may be suspended or removed from their positions only for proper cause and by appropriate proceedings conducted by the agency responsible for the appointment of such editors and managers.

Indiana University does not require a student group ~~or organization~~ to register and be approved by the university. ~~Student groups and organizations must comply with all federal, state and local laws, as well as university policies.~~

A student group ~~or which chooses to register as an~~ organization may be authorized to use select University services and facilities for extracurricular activities, subject to the procedures established by the ~~dean of students~~ student affairs office on each campus. Student groups and student organizations must comply with all federal, state and local laws, as well as any applicable university policies.

H. Be responsible for their behavior, and respect the rights and dignity of others both within and outside of the university community.

The university may discipline a student for the following **acts of personal misconduct that occur on university property**, including but not limited to academic and administration buildings, residence halls, athletic and recreational facilities, and other university-serviced property, such as sororities and fraternities:

1. Dishonest conduct including, but not limited to, false accusation of misconduct, forgery, alteration, or misuse of any university document, record, or identification; and giving to a university official information known to be false.-
2. Assuming another person's identity or role through deception or without proper authorization. Communicating or acting under the guise, name, identification, e-mail address, signature, or other indications of another person or group without proper authorization or authority.
3. Knowingly initiating, transmitting, filing, or circulating a false report or warning concerning an impending bombing, fire, or other emergency or catastrophe; or transmitting such a report to an official or an official agency.
4. Unauthorized release or use of any university access codes for computer systems, duplicating systems, and other university equipment.
5. Conduct that is lewd, indecent, or obscene- and/or is in violation of the Sexual Misconduct Policy, UA-03.
6. Disorderly conduct, including obstructive and disruptive behavior that interferes with teaching, research, administration, or other university or university-authorized activity. (See Guidelines for Dealing with Disruptive Students in Academic Settings, University Faculty Council, April 12, 2005.)
7. Actions that endanger one's self, others in the university community, or the academic process.
8. Failure to comply with the directions of authorized university officials in the performance of their duties, including failure to identify oneself when requested to do so; failure to comply with the terms of a disciplinary sanction; or refusal to vacate a university facility when directed to do so.
9. Unauthorized entry, use, or occupancy of university facilities.
10. Unauthorized taking, possession, or use of university property or services or the property or services of others.
11. Damage to or destruction of university property or the property belonging to others.
12. Unauthorized setting of fires on university property; unauthorized use of or interference with fire equipment and emergency personnel.
13. Unauthorized possession, use, manufacture, distribution, or sale of illegal fireworks, incendiary devices, or other dangerous explosives.
14. Possession of any weapon or potential weapon on any university property contrary to law or university policy; possession or display of any firearm on university property, except in the course of an authorized activity.

15. Sale of any firearms from university property or using university facilities, including through computer and telephone accounts; intentional possession of a dangerous article or substance as a potential weapon.
16. Acting with violence.
17. Aiding, encouraging, or participating in a riot.
18. Harassment, including sexual harassment, as defined in [Part I \(c \) of the Code](#).
19. Stalking or hazing of any kind whether the behavior is carried out verbally, physically, electronically, or in written form.

~~a. Stalking is defined as repeated, unwanted contact in the forms of, including but not limited to, phone calls, e-mail, physical presence, and regular mail.~~

~~a. Stalking, as defined in the Sexual Misconduct Policy, a knowing or an intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened. The term does not include statutorily or constitutionally protected activity.~~

~~a.b. Hazing is defined as any conduct that subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, degrade, or intimidate the person as a condition of association with a group or organization, regardless of the person's consent or lack of consent.~~

20. Physical abuse of any person, including the following:

- a. The use of physical force or violence to restrict the freedom of action or movement of another person or to endanger the health or safety of another person;
- b. Physical behavior that involves an express or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in university-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur; or
- c. Physical behavior that has the purpose or reasonably foreseeable effect of interfering with an individual's personal safety, academic efforts, employment, or participation in university-sponsored extracurricular activities or causes the person to have a reasonable apprehension that such harm is about to occur;
- d. Sexual assault, including the following: while any party involved is in an impaired state;

~~b. Sexual contact with another person without consent, including while any party involved is in an impaired state.~~

1. When an individual subject another person to sexual penetration (as defined in the Sexual Misconduct Policy, UA-03) (i) without the consent of the person, (ii) when the individual knew or should have

known that the other person was mentally or physically incapable of resisting or appreciating the nature of the other person's own conduct, (iii) or when the other person is less than sixteen years of age; or

2. When an individual touches another person for the purpose of sexual arousal or gratification of either party (i) without consent of the person, or (ii) when the actor knew or should have known that the person was physically or mentally incapable of resisting or appraising the nature of the person's own conduct, (iii) or when the person is less than sixteen years of age.

e. Physical abuse that constitutes dating or domestic violence as defined in the Sexual Misconduct Policy, UA-03.

21. Verbal abuse of another person, including the following:

a. An express or implied threat to:

1. Interfere with an individual's personal safety, academic efforts, employment, or participation in university-sponsored activities and that under the circumstances causes the person to have a reasonable apprehension that such harm is about to occur; or

2. Injure that person, or damage his or her property; or

b. "Fighting words" that are spoken face-to-face as a personal insult to the listener or listeners in personally abusive language inherently likely to provoke a violent reaction by the listener or listeners to the speaker.

c. Verbal abuse that constitutes dating or domestic violence as defined in the Sexual Misconduct Policy, UA-03.

22. Unauthorized possession, use, or supplying alcoholic beverages to others contrary to law or university policy.

a. Indiana University prohibits:

1. Public intoxication, use, or possession of alcoholic beverages on university property (including any undergraduate residence supervised by the university, including fraternity and sorority houses) except as otherwise noted in Part II, Section H (22) b and Part II, Section H (22) c.

2. Providing alcohol contrary to law.

b. The dean of students of each campus has discretion to allow exceptions to Part II, Section H (22) a, allowing use or possession of alcohol by persons, including students, who meet the minimum drinking age standards of the State of Indiana, under the following circumstances:

1. Use or possession of alcoholic beverages by persons who are of lawful drinking age may be generally permitted in residences supervised by the university, including fraternity and sorority houses, when specifically approved by the campus dean of students. Such use or possession may be allowed in residence rooms, apartments, and certain common areas as specifically approved by the dean of students. However, use or possession under this section shall be permitted only in residences supervised by a live-in employee specifically charged with policy enforcement.

2. Use or possession of alcoholic beverages may be permitted on an event-by-event basis in designated undergraduate residences (including fraternity and sorority houses) supervised by a live-in employee specifically charged with policy enforcement, when temporary permission is granted by the dean of students for events at which persons of lawful drinking age may lawfully possess and use alcoholic beverages.
- c. The chancellor of each campus has discretion to allow exceptions to Part II, Section H (22) a, allowing use or possession of alcohol by persons, including students, who meet the minimum drinking age standards of the State of Indiana, under the following circumstances:
 1. Use or possession of alcoholic beverages may be permitted in facilities such as student unions or on-campus hotels, including guest rooms and other areas, specifically approved by the campus chancellor.
 2. Use or possession of alcoholic beverages may be permitted in other areas, such as private offices and faculty lounges, not accessible to the public.
 3. Use or possession of alcoholic beverages may be permitted in areas accessible to the public, if specifically approved by the campus chancellor.
- d. Indiana University also permits the nonconspicuous possession of alcoholic beverages on university property when in transit to areas where they may be possessed or used under the provisions above.
- e. Student organizations that serve or permit possession of alcoholic beverages at student organization functions, on or off campus, may be disciplined if violations of alcoholic beverage laws or of university regulations occur. Individual students who plan, sponsor, or direct such functions also may be subject to discipline.
- f. The chancellor or dean of students may make rules covering these uses. Those rules shall be enforceable as provisions of this Code.
23. Unauthorized possession, manufacture, sale, distribution, or use of illegal drugs, any controlled substance, or drug paraphernalia. Being under the influence of illegal drugs or unauthorized controlled substances.
24. Intentionally obstructing or blocking access to university facilities, property, or programs.
25. Violation of other disseminated university regulations, policies, or rules. Examples of such regulations include but are not limited to university computing policies, residence hall policies, and recreational sports facility policies.
26. A violation of any Indiana or federal criminal law.
27. Engaging in or encouraging **retaliation or** any behavior or activity that threatens or intimidates any potential participant in a judicial process-, and/or that is in violation of the Sexual Misconduct Policy, UA-03.
- 27-28. Engaging in conduct in violation of the Sexual Misconduct Policy (UA-03) not otherwise covered in H1 through H27 of this section.

Part II: Student Responsibilities

I. Personal Misconduct Not on University Property.

The university may discipline a student for **acts of personal misconduct or criminal acts that are not committed on university property** if the acts arise from university activities that are being conducted off the university campus, or if the misconduct undermines the security of the university community or the integrity of the educational process or poses a serious threat to self or others.

1. Indiana University is committed to the promotion of a civil community both on campus and off campus.
2. Indiana University regards off-campus activity, including but not limited to university-sponsored events, as an integral part of a student's academic, personal, and professional growth. Thus, the university recognizes the right of all students to expect that the university will subject individuals to the same responsibilities and disciplinary procedures when conduct:
 - a. Adversely impacts the university's mission, or the tenets of this Code, such as altering academic transcripts, harassment of any kind, trafficking in term papers, use of a computer or other electronic device to obtain unauthorized access to information;
 - b. Presents a clear danger to the personal safety of any person or the protection of any person's property, such as alcohol and drug offenses, arson, battery, fraud, hazing, participation in group violence, rape, sexual assault, stalking, or theft;
 - c. Violates policies of an academic program and related facilities, including but not limited to an off-campus clinical, field, internship, or in-service experience, or an overseas study program.
 - e-d. Is in violation of the Sexual Misconduct Policy, UA-03.

Part III: Procedures for Implementation of the Code

Involvement of Advisors

A person charged, a victim, or anyone providing testimony is entitled, at his or her expense, to be accompanied by an advisor or support person of his or her choice. An advisor or support person is limited to the role of advising. The advisor or support person may not participate in the proceeding, may not question witnesses, and may not make any statements during the proceeding. Campuses may, however, create procedures to allow a student to have an advisor or support person to speak on the student's behalf at the final appeal hearing.

A student with a disability affecting communication or a student who cannot effectively communicate in the English language may seek a reasonable accommodation from the office of the dean of students to allow an advisor or interpreter to present or translate the proceedings. In cases of sexual misconduct, the involvement of advisors is governed by the University Sexual Misconduct Policy.

University-Wide

University-Wide Procedures found on this page apply to all campuses and supercede any campus-level policies and procedures. Procedures governing areas not covered by University-Wide Procedures may be addressed by each campus.

The University-Wide Procedures will provide for:

- Responding to Incidents Involving Allegations of Sexual Misconduct by or against Students
- Responding to Incidents Involving Allegations of Sexual Misconduct by Faculty & Staff
- Principles for Other Procedures
- Involvement of Advisors

Part IV: General Provisions, Definitions, Adoption Provisions, and Appendices

Below is a list of key policies affecting students. For a complete list of university policies, visit the University Policies website.

- Americans with Disabilities Act Policy
- Non-Discrimination/Equal Opportunity/Affirmative Action Policy
- Sexual Misconduct Policy
- Accommodations for Religious Observances
- Indiana University Policy on Student Records (adopted by the University Faculty Council, March 29, 1977; amended, October 2, 2001)
- Guidelines for Dealing with Disruptive Students in Academic Settings (adopted by the University Faculty Council, April 12, 2005)

A. Definitions

Student

For purposes of this Code, the term “student” includes the following:

1. A person who is admitted or enrolled in any credit-bearing course or program in any school or division of Indiana University.
2. A person who is admitted to Indiana University and is present on a campus for the purpose of being enrolled in any credit-bearing course or program in any school or division of Indiana University.
3. A person who has been admitted and enrolled in any credit-bearing course or program in any school or division of Indiana University and continues to be associated with Indiana University because of failure to complete the course or the program in which the person was enrolled.
4. A person who is not admitted to the university, but who is taking classes to transfer to another university, for personal enrichment, or in preparation to apply to a graduate program.
5. Individuals who withdraw after having allegedly committed misconduct, or who are not officially enrolled for a particular term, but who have an expected continued academic relationship with the University, may be considered “students.”

~~5-6.~~ For the purposes of this Code, “student” includes all students enrolled on the campuses of Indiana University–Purdue University Indianapolis (IUPUI) or Columbus.

Faculty or Faculty Member

In this Code, the terms “faculty” or “faculty members” include all who teach and/or do research at the university, including (but not limited to) tenure-track faculty, librarians, holders of research or clinical ranks, lecturers, graduate students with teaching responsibilities, visiting and part-time faculty, and other instructional personnel including coaches, advisors, and counselors.

B. Persons Authorized to Exercise Specified Responsibilities

1. Under this Code, the authority that is given to a specified Indiana University official or employee may be exercised by any person who occupies the specified position or has a comparable position on a campus that does not have the specified position. This Code refers to the following specified positions but each position includes any equivalent position on a campus that does not use these specific titles:
 - a. Dean of Students/Vice Chancellor for Student Affairs
 - b. ~~Dean of Faculties~~Vice Provost/Vice Chancellor for Academic Affairs
 - c. Affirmative Action Officer
 - d. Title IX Coordinator
 - ~~e.~~ Assistant Vice President for Human Resources
 - ~~f.~~ Faculty Council President
 - ~~g.~~ Provost/Chancellor
2. Under this Code, the authority that is given to a particular Indiana University official or employee may be exercised by that particular person or by that person's designee.